

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY COBOS
DISTRICT NO. 8

SPECIAL CITY COUNCIL MEETING
COUNCIL CHAMBERS
JUNE 9, 2003
8:00 A.M.

The City Council met at the above place and date at approximately 8:00 a.m. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook, Daniel S. Power, Paul J. Escobar, Vivian Rojas, and Anthony Cobos. Absent: None

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AGENDA

Orientation of City Council

Mr. Charlie McNabb, Chief Administrative Officer, opened the meeting and addressed City rules, policies and procedures, and organizational issues for returning Council Members, Council Members Elect and Mayor Elect Joe Wardy.

Ms. Richarda Duffy Momsen, City Clerk, explained the order of speakers for the meeting and announced Ms. Rita Rodriguez, City Attorney, as the first speaker.

Ms. Rodriguez discussed and explained the City Charter, attorney – client relationship, City Council agenda matters and meetings, standards of conduct for Mayor and Council Members, conflicts of interest, open government, other legal issues and the functions and duties of the City Attorney's office.

Ms. Laura Gordon, First Assistant City Attorney, discussed, in detail, the potential of personal liability of Council Members and the City Attorney's duties and responsibilities therein.

City Council Members asked questions of and received briefings from Mr. McNabb, Ms. Rodriguez and Ms. Gordon.

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Following the break, Mr. Byron Johnson, Director of Purchasing, explained that items placed on the City Council Agendas were \$25,000.00 and above. He explained that Legislation changed that amount from \$15,000.00 to \$25,000.00 as per State statute and noted that the Purchasing Department Legislative Review Committee reviews and makes recommendations on items \$25,000.00 and below. He discussed the different types of bids: competitive, Best Value Procurement, low bids, and RFPs. He commented on the Procurement Guidelines (Section 252 of the Local Government Code) and suggested that the newly

appointed Purchasing Legislative Review Committee review the criteria regarding the local component pertaining to Best Value Procurement bids. He defined "in City" under the competitive bid requirements, local preference (in the event of a tie), as: if the business address was within the City limits. He defined "sufficient competition" as three or more bidders.

Ms. Rita Rodriguez, City Attorney, commented on language within the "local" bid and added that the previous administration adopted the resolution regarding the Best Value Procurements.

Mr. Johnson explained the components within the Best Value Procurement bids as: price, experience, work history with the City and health insurance for current employees, and he added that new Council Members could expand or reduce those components. He commented on the State of New Mexico's "Preference Law" and the State of Texas' "Reciprocal Law" and noted that the Purchasing Department adds 5% to out-of-State bids, during the bid tabulation. He made remarks regarding construction contracts and the A/E Selection Committee. He commented on new software recently acquired by the Purchasing Department, "Projects Module", which tracks the fiscal amount, change orders, the costs of the change orders, and what the final cost of the facility (to include labor, materials and construction contract). He stated that Council Members are encouraged to access this software in order to monitor constructions projects. He briefly commented on Construction Compliance, regarding wages and the Apprenticeship Program, as monitored by the Purchasing Department. He noted that the Property Control office monitored the City's assets and handled the monthly City auctions.

City Council Members asked questions of and received briefings from Mr. Johnson.

Representative Power questioned how the screening criterion for the Architect-Engineer Selection Committee was established and who set that criterion.

Mr. Gonzalo Cedillos, City Engineer, explained that the criterion was established within the Ordinance establishing the A/E Selection Committee and added that the language regarding grievances against the Committee was contained therein. He explained how members of the A/E Selection Committee were selected for Council Members' information.

Ms. Rodriguez noted Section 2.88 of the Municipal Code pertained to the Architect-Engineer Selection Committee.

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Ms. Terry A. Bond, Human Resources Director, explained that the Civil Service Commission, a nine-member board, governed "Classified" employees; however "Unclassified" employees; contract, temporary, and elected employees were not subject to the Commission. She noted that Council Members utilized Secretary I and Secretary III positions and explained the process regarding filling vacancies.

Representative Rojas questioned the procedure for changing her staff members.

Representative Cushing stated that Representative Rojas could transfer them. He asked if new Council Members could have copies of the Secretary I and III job specifications.

Mr. Charlie McNabb, Chief Administrative Officer, explained "transfer" as from one department to another and "reassign" as moving individuals within same department. He commented that past administrations had utilized Contracts for some secretarial positions. He would discuss those issues with Council Members individually. He commented that the voters of El Paso had overwhelmingly denied changing the Charter allowing the secretaries to serve at the will of the Council, on two separate occasions.

Representative Cobos remarked that if new Council Members requested new staff, then City staff should accommodate them.

Mr. McNabb provided comments regarding work hours and KRONOS (electronic time swiping) for Council Members' secretarial staff.

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Ms. Richarda Duffy Momsen, City Clerk, provided Powerpoint presentation and explained that the Council Members would need to file two documents today, June 9, 2003: 1. the Statement of Elected Officials (a State of Texas document); and 2. the Financial Disclosure form (a City of El Paso document) as required by the City's Ethics Review Commission. She discussed deadlines for placement of City Council Agenda items. She then explained the two separate segments of the City Council Agenda: 1. the Consent Agenda (routine matters not anticipating separate discussion); and 2. the Regular Agenda (matters requiring discussion). She discussed the procedure for appointing or re-appointing individuals to the over 30 different City's Boards and Commissions. She briefly discussed proclamations and noted that Council Members could request a proclamation from the Mayor's office.

Representative Lozano questioned the permanent appointments to the Architect Engineer Selection Committee.

Ms. Rita Rodriguez, City Attorney, explained that the Architect Engineer Selection Committee Ordinance defined the "permanent" appointments to that Committee.

Mr. Charlie McNabb, Chief Administrative Officer, added Ordinance language described "membership" as not by the individual but by the office they held, i.e., City Engineer, the individual currently holding the position of City Engineer would be appointed. He stated that himself, the Mayor or a Council Member, must sign off on Addition to the Agenda items. He stated that Department Heads must come to him for placement of departmental items, in the event of his absence, the Mayor or a Council Member may sign off on the Agenda item.

Ms. Momsen explained that the originating Department was expected to provide the Council Members with hard copy of agenda items, in addition to filing documents in the City Clerk's office to be scanned to the City's website. She noted that the official posting of the Agenda was done within City Hall (on the second and first floors and outside the basement within the glass casing), and added that the Information Technology Department was very prompt in posting the Agenda to the website.

Mr. McNabb noted that the Additions to the Agenda could not be discussed at the Pre-Council meetings held on Monday, as per the Open Meetings Act requirement of 72 hours posted notice to the public.

Ms. Momsen discussed the new technology recently installed in City Council Chambers, such as the use of the laptop computer for PowerPoint presentations, overhead projector for pictures and documents, and the use of electronic voting equipment.

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Mr. Bill Chapman, Deputy CAO of Financial and Administrative Services/Chief Financial Officer, provided Powerpoint presentation and noted that the City's fiscal year begins September 1, and ends August 31 and stated that the Mayor's budget would be filed approximately the end of June or beginning of July. He commented on the proposed Budget Hearings schedule and noted that Tuesday, August 26, 2003, was the last Tuesday prior to September 1st. He explained that following the adoption of the budget; the City must adopt the tax rate, tentatively set for September 23rd. He commented on the City's current assessed evaluation, from fiscal year 2003 budget, \$17.7 billion and noted that the average single family home was

assessed at \$75,000.00 for same fiscal year. He noted that the current tax rate for M&O (maintenance and operation (general fund)) was approximately 54¢; debt service (pays current principal and interest) was 17.77¢, and that the total current tax rate was 71¢.

Representative Cobos questioned as the tax rate rises, due to the Central Appraisal District increases, what happens to the 17.77¢.

City Council Members asked questions of and received briefings from Mr. Chapman.

Mr. Chapman stated that the total budget for fiscal year 2003 was \$563 million and that the General Fund was \$250 million. He added that the City was self-insured and operated a health, workers' compensation and unemployment funds totaling approximately \$39 million. He discussed the many debt instruments, General Obligation Bonds - voted on by the public, Certifications of Obligation - voted on by City Council, revenue bonds - backed by property taxes, the two different revenue streams; 1. the tolls from bridges; and 2. landing fees, rentals, and passenger facility charges utilized by the airport, and Commercial Paper - utilized with General Obligation Bonds. He stated that the City's bond rating from Moody's and S&P was AA3. He noted that the previous administration had approved a 5% salary increase for Council Members, including Mayor Wardy, and the \$4,200.00 expense allowance – above the \$17,360.00 Council Members' salaries.

Mr. Charlie McNabb, Chief Administrative Officer, provided clarification regarding the \$4,200.00 expense allowance for Council Members.

Mr. Chapman discussed utilizing American Express credit cards for City business, reimbursement to Council Members, utilization of City cellular telephones, and the use of gas cards – of which the funds would be deducted from Council Members' discretionary fund.

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Mr. David Almonte, Director of OMB, provided documents regarding the City's health insurance benefits and requested Council Members peruse at their leisure and make their decisions accordingly. He discussed the Wellness Center located in the basement of City Hall, the schedule of the Wellness Center and added that there was no charge for this service.

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Motion made by Representative Lozano, seconded by Representative Cook and unanimously carried to adjourn this meeting at 12:30 p.m.

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APPROVED AS TO CONTENT:

APPROVED AS TO FORM:


Richarda Duffy Momsen, City Clerk


Lisa A. Elizondo, City Attorney